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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/986,055	11/07/2001	Masaaki Morishima	WN-2411	4790

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EXAMINER

GAUTHIER, GERALD

ART UNIT	PAPER NUMBER
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2645

DATE MAILED: 07/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/986,055

Applicant(s)

MORISHIMA, MASAOKI

Examiner

Gerald Gauthier

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claim(s) 19** is rejected under 35 U.S.C. 102(e) as being anticipated by Yoshii et al. (US 6,711,620).

Regarding **claim(s) 19**, Yoshii discloses a mobile terminal (column 10, lines 1-7) comprising:

a display device (30 on FIG. 5);

a browser controller (28 on FIG. 2) for browsing a desired web page, so that browser content of the web page is displayed on said display device (column 10, line 29-39) [The communication control section 28 allows the Internet browser application to access data from the Internet];

an e-mail sending and receiving controller for creating, sending and receiving e-mail, so that e-mail content is displayed on said display device (column 10, line 29-39) [The e-mail application is for exchanging mails through the Internet]; and

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a switch for switching between said browser controller and said e-mail sending and receiving controller, so that at least one of said browser content and said e-mail content are displayed on said display device (FIG. 5-7 and column 10, line 50-66) [The operation input section 4 control the process of displaying the e-mail window 32 and the Internet browser window 34].

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. **Claim(s) 1-19** are rejected under 35 U.S.C. 103(a) as being unpatentable over Kamada et al. (US 6,192,258 B1) in view of Smethers (US 6,463,304 B2).

Regarding **claim(s) 1, 7 and 13**, Kamada discloses a mobile terminal (column 1, lines 6-10), comprising:

a display device for displaying characters and an image (column 9, lines 25-32) [The display window 141 show the image that can be rotated and person names as character display];

an e-mail sending and receiving controller for executing second processing for displaying second display data having the procedure for creating an e-mail, the procedure for sending and receiving the e-mail, and the content of the created or received e-mail on the display device so as to send and receive the e-mail (column 8, lines 56-65) [The person's email is selected with a pen for sending e-mail is displayed and also creating and receiving an email]; and

a switching controller for controlling the browser controller and the e-mail sending and receiving controller in accordance with operator's instructions and displaying the first display data and the second display data on the display device while switching them (column 7, lines 9-38) [The rotary switch is capable of clockwise and counterclockwise operations as well as push operations to switch from the browser and the e-mail operations].

Kamada disclose a browser function in the mobile terminal but fails to disclose executing first processing for displaying first display data having the procedure for browsing a desired web page and the content of the web page on the display device so that an operator browses the web page and a switching controller for controlling the browser controller and the e-mail sending.

However, Smethers, in the same field of endeavor, teaches a browser controller for executing first processing for displaying first display data having the procedure for browsing a desired web page and the content of the web page on the display device so that an operator browses the web page (FIG. 3B and column 6, lines 35-50); and

a switching controller for controlling the browser controller and the e-mail sending and receiving controller in accordance with operator's instructions and displaying the first display data and the second display data on the display device while switching them (FIG. 1 and column 6, lines 16-34).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Kamada using the browser application and the rocker switch as taught by Smethers.

This modification of the invention enables the system to combine multiple services through mobile telephone service so that the user would access information using a mobile device.

Regarding **claim(s) 2, 8 and 14**, Kamada as modified discloses when the e-mail is received or the operator instructs the second processing while the browser controller executes the first processing, the switching controller controls the browser controller and the e-mail sending and receiving controller to display the content of the received e-mail or the second display data on the display device (column 8, lines 56-65).

Regarding **claim(s) 3, 9 and 15**, Kamada as modified discloses when the e-mail is received or the operator instructs the second processing while the browser controller executes the first processing, the switching controller controls the browser controller and the e-mail sending and receiving controller so that the display device displays the first display data and the content of the received e-mail or the second display data on a single screen or separated screens (column 9, lines 1-9).

Regarding **claim(s) 4, 10 and 16**, Kamada as modified discloses after the content of the received e-mail is displayed on the display device and a predetermined time passes, the switching controller controls the browser controller and the e-mail sending and receiving controller to display only the first display data on the display device (column 9, lines 1-9).

Regarding **claim(s) 5, 11 and 17**, Kamada as modified discloses a copying controller for copying all or a part of the first display data or the second display data displayed on the display device, as all or a part of the second display data or the first display data which is switched and displayed by the switching controller, in accordance with operators instructions (column 8, lines 12-15).

Regarding **claim(s) 6, 12 and 18**, Kamada as modified discloses receiving the operator's instructions as at least one of manual operation and voice (column 7, lines 9-38).

Regarding **claim(s) 19**, Kamada in combination with Smethers discloses all the limitations of **claim(s) 19** as stated in **claim(s) 1**'s rejection.

Furthermore Smethers teaches a switch for switching between said browser controller and said e-mail sending and receiving controller, so that at least one of said browser content and said e-mail content are displayed on said display device (FIG. 1 and column 6, lines 16-34).

Response to Arguments

6. Applicant's arguments with respect to **claim(s) 1-19** have been considered but are moot in view of the new ground(s) of rejection.

Conclusion


7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (571) 272-7539. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**GERALD GAUTHIER
PATENT EXAMINER**

g.g.
July 12, 2005


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